

## REMARKS / ARGUMENTS

In complete response to the Final Office Action dated September 7, 2005, on the above identified application, reconsideration is respectfully requested. Claims 18, 20-39, 42, and 46-51 are pending in this application.

With this amendment, claims 18 and 20 are amended. Claims 48, 49, and 51 are withdrawn.

### **Claim Rejections Under 35 U.S.C. § 102:**

Claims 18, 20 – 34, & 50 stand rejected under 35 U.S.C. 102(b) as being anticipated by Quaas et al (USPN 3,392,017). The Applicants respectfully contend that these claims, as currently amended, are not anticipated by Quaas '017.

Due to the aforementioned amendment to Claim 18, the Applicants respectfully contend that the Examiner's rejection of this claim is now moot. Further, since claims 20 – 34 are depended upon claim 18, the Applicants respectfully contend that these rejections are also moot.

The Applicants respectfully contend that claim 50 is not anticipated by Quaas '017. Quaas '017 describes **an alloy** containing copper, tin, phosphorous, and other elements. This alloy is intended to be used in place of alloys, which due to the presence of zinc in their composition, produce noxious fumes when melted. Quaas '017 does not disclose a method for **preparing a metal workpiece with a brazed zone**, made of a **copper / phosphorous** alloy, for welding. Nor does Quaas '017 discuss **aiding** in the creation of such a weld by **protecting the brazed zone** through the **introduction** of at least one **intermediate layer** of a **copper / tin alloy**. Absent such references, a person of ordinary skill in the art would not find all the elements of claim 50 have either been taught or disclosed by Quaas '017. For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration

Claims 39, 42 & 47 stand rejected under 35 U.S.C. 102(b) as being anticipated by Davidian et al. (USPN 6,347,662). The Applicants respectfully contend that these claims are not anticipated by Davidian '662.

Davidian '662 discloses a heat exchanger comprised of a plurality of plates, where each plate is attached by a brazing filler material. Davidian does not teach, disclose, or suggest **treating** the brazing **filler material** by **depositing an additional layer** of an alloy contained copper and tin **onto the filler material**. Absent such a reference, a person of ordinary skill in the art would not find all the elements of claim 39 have either been taught or disclosed by Davidian '662. For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration. Further, since claims 42 and 47 are dependent upon claim 39, the Applicants also respectfully contend that these claims deserve reconsideration.

#### **Claim Rejections Under 35 U.S.C. § 103:**

Claims 35 – 38 & 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Quaas '017 in view of Davidian '662. As discussed above, Quaas '017 deals with an alloy as **opposed to a method for preparing a metal workpiece** with a brazed zone in such a way as to protect the brazed zone during welding, while Davidian '662 discloses a plate and fin type heat exchanger. Thus, the combination of these two references would result in the heat exchanger of Davidian '662 constructed from the alloy of Quaas '017.

The combination of the Quaas '017 alloy with the Davidian '662 exchanger does not teach nor suggest to one of ordinary skill in the art a method for creating a heat exchanger, where the **materials** of the heat exchanger **are joined by brazing with a copper /phosphorous braze**, and where at least one **intermediate layer** of a copper / tin alloy **is introduced to protect** a weld created on the **copper / phosphorous brazed zone**, as is taught by claim 35 of the instant application.

For this reason, the Applicants respectfully contend that this basis for rejection deserves reconsideration. Further, since claims 36 – 38, & 46 are dependent upon claim 35, the Applicants also respectfully contend that these claims deserve reconsideration.

Appl. No. 10/628,153  
Amdt. dated November 7, 2005  
Reply to Final Office Action and Restriction of September 7, 2005

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

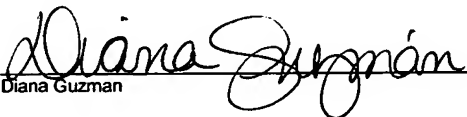
  
\_\_\_\_\_  
Linda K. Russell, Reg. No. 34,918

Date: **November 7, 2005**

Air Liquide  
2700 Post Oak Blvd., Suite 1800  
Houston, Texas 77056  
Phone: (713) 624-8956  
Fax: (713) 624-8950

### CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
Diana Guzman